

**2006-2008  
FISHING PROCLAMATION**

Relating to the times, places and manner of taking fish, possessing fish, closing certain waters to fishing, setting size and creel limits, and establishing game species for the period of April 1, 2006 through March 31, 2008. By virtue of the authority vested in me by Chapter 20.1-08 of the North Dakota Century Code as amended, and upon recommendation of the Game and Fish Director, I do hereby Order and Proclaim:

**Section 1. RECREATIONAL FISHING**

Recreational fishing is defined as those methods described hereafter as allowable activities during each of the two fishing years of this proclamation with the possession of a valid fishing license. A fishing year is defined as being from April 1 of one calendar year through March 31 of the following calendar year.

**1-1. GAME FISH**

Game fish are defined as bluegill, burbot, channel catfish, chinook salmon, crappie (black and white), largemouth bass, muskellunge (pure and hybrid), northern pike, paddlefish, rock bass, sauger, saugeye, smallmouth bass, sturgeon (pallid, shovelnose, and lake), trout (brown, lake, rainbow, and cutthroat), walleye, white bass, and yellow perch. All other species of fish not designated as game fish shall be considered non-game fish.

**1-2. SEASON FOR LEGALLY TAKING FISH**

**1-2-1.** Except in specified areas, the season for taking game and non-game fish shall be open from April 1 through March 31 of each fishing year.

**1-2-2.** Exceptions are:

1. McDowell Dam (Burleigh County), Lightning Lake (McLean County), and Kettle Lake (Williams County) shall be closed to all fishing from November 1 through March 31 of each fishing year.
2. Areas designated by the Refuge manager of J. Clark Salyer, Arrowwood, Tewaukon, Lake Ilo, Long Lake, and the Upper Souris National Wildlife Refuge (Lake Darling) shall be open to shore or ice fishing from April 1 through April 30 of each fishing year as safety allows. These areas shall then be open to all fishing from May 1 through September 30 of each fishing year. The designated open areas shall then be closed to boat fishing but remain open to shore or ice fishing from October 1 through March 31 of each fishing year. Audubon National Wildlife Refuge shall be closed to all fishing from April 1 until ice covers the water of each fishing year. This area shall then be open to ice fishing only when ice covers the water through March 31 of each fishing year.

3. The following US Fish and Wildlife Easement Refuge lakes, Lake Ardoch, Dakota Lake, Lake George, Hobart Lake, Rock Lake, Sibley Lake (Griggs Co), and Silver Lake (Benson Co) shall be open to shore or ice fishing from April 1 through September 24 and December 1 through March 31 of each fishing year. These lakes will be closed to all fishing from September 25 through November 30.
4. Kraft Slough (Sargent County) shall be closed to all fishing from April 1 until ice covers the water of each fishing year. Kraft Slough shall then be open to ice fishing only when ice covers the water through March 31 of each fishing year.
5. The Baldhill Creek from the Wesley Acres Bridge to one half mile downstream shall be closed to boat fishing from April 1 through May 24 of each fishing year. This area shall then be open to all fishing from May 25 through March 31 of each fishing year.
6. Bow, Spear and Underwater spear fishing shall be legal from May 1 through November 30 of each fishing year.
7. Dark House spearing shall be legal from December 1 through February 28 or February 29 (which ever comes latest) of each fishing year except for Spiritwood Lake where Dark House spearing shall be legal from January 1 through February 28 or February 29 (which ever comes latest) of each fishing year.
8. Paddlefish snagging shall be legal from May 1 through May 31 of each fishing year in those areas specified in Section 1-4-5(1). If harvest approaches the maximum allowable harvest of 1000 paddlefish as determined by the Department, an in-season closure may occur with a 60 hour notice issued by the Director. If this occurs, it would include closure of all snagging including days set aside for 'snag and release'. Notice will be issued by a special news release from the Department, through news media outlets, and other appropriate entities.
9. Smelt netting and trapping shall be legal from April 1 through May 10 of each fishing year. Smelt may be netted or trapped only from the Missouri River, Lake Sakakawea, Oahe Reservoir and their tributaries.

### **1-2-3. Closed to Fishing**

1. Lake Metigoshe. It shall be illegal to fish from the bridge located between North and South Lake Metigoshe as well as 100 feet in any direction from this structure.
2. Drayton Dam. It shall be illegal to fish in that portion of the Red River from the Drayton Dam downstream for a distance of 150 feet.
3. No person shall fish or boat in areas posted and designated by the Game and Fish Department as rearing ponds, holding ponds, spawning areas, or other designated areas.

4. Areas near the Garrison Tailrace so posted by the Corps of Engineers shall be closed to fishing.

**1-2-4. Free Fishing Days.**

Residents of North Dakota may fish without a resident fishing license on June 3-4, 2006 and June 2-3, 2007.

**1-3. DAILY CREEL AND POSSESSION LIMITS.**

1. The daily creel limit is defined as a limit of fish harvested or received from midnight to midnight, except no person may possess more than one day's limit of fish while on the water or actively engaged in fishing. The possession limit means the maximum number of each legally taken fish species that an angler, licensed by this state or allowed to fish without a license, may have in his or her actual possession during any phase of any single fishing trip of more than one day. Possession limits for wholesale vendors are listed in Section 2. Except as specified in Section 1-3(2-11), the daily creel and possession limit in all public waters of the state shall be:

SPECIES	DAILY CREEL	POSSESSION
Northern Pike	3	6
Walleye, sauger, saugeye, or combination	5	10
Largemouth bass, smallmouth bass, or combination	3	6
Trout	3	3
Salmon	5	10
Yellow Perch	20	80
Bluegill	20	80
Crappie	20	80
White Bass	20	80
Rock Bass	20	80
Burbot	10	20
Channel Catfish		
(East of ND Highway 1)	5	5
(West of ND Highway 1)	no limit	no limit
Non-game fish	no limit	no limit
Muskellunge (pure or hybrid)	1	1
Paddlefish	Season limit of 1	
Smelt	5 gallons	5 gallons
Legal live baitfish (See Section 1-4-7)	12 dozen	12 dozen

2. The daily creel and possession for northern pike in Benson, Eddy and Ramsey Counties shall be 5 and 10 respectively.
3. Kraft Slough (Sargent Co.) - The daily creel and possession limits on yellow perch shall be 10 and 20 respectively.
4. Odland Dam (Golden Valley Co.) - The daily creel and possession limits on yellow perch shall be 10 and 20 respectively. The daily creel and possession limits on bluegill shall be 10 and 20 respectively.

5. Pipestem Reservoir (Stutsman Co) - The daily creel and possession limits on crappie shall be 10 and 20 respectively.
6. Bois de Sioux and Red Rivers. a.) The daily creel and possession limits on catfish from the Bois de Sioux and Red Rivers, and all of their tributary streams east of ND Highway 1 shall be 5 regardless of the number of state or provincial licenses purchased by the angler. The daily and possession limit of catfish exceeding 24 inches is one. Residents of North Dakota and Minnesota holding a valid resident fishing license from their respective state and persons of other states who either have nonresident North Dakota or Minnesota fishing licenses may fish in either of the boundary waters described above and may transport such fish with them by the most convenient route to the state in which they are licensed. If the laws of the states differ, anglers must comply with the laws and rules of the state in which they are licensed. (Note: This includes children who are not required to have a license).
7. The daily creel and possession limit for walleye, sauger or saugeye from the Bois de Sioux and Red rivers up to the first vehicular bridge or crossing shall be three.
8. The daily creel and possession limit for northern pike from the Bois de Sioux and Red rivers up to the first vehicular bridge or crossing shall be three.
9. It shall be illegal to take, possess or transport any of the following species of fish in North Dakota. All of the following must be immediately released back into the water from which they were caught:
  1. Pallid Sturgeon
  2. Shovelnose Sturgeon
  3. Lake Sturgeon
  4. Grass carp (white amur)
10. It shall be illegal to possess any trout from April 1 through June 30 of each fishing year from Lightning Lake (McLean County).
11. It shall be illegal to possess any fish while fishing on the OWLS Pond (Burleigh County) or State Fair Pond (Pathway Pond) (Ward County). These areas will be open only from sunrise to sunset.
12. Possession of foul hooked fish shall be illegal. Any foul hooked or snagged fish must immediately be returned to the water regardless of condition, except for paddlefish as described in Section 1-4-5. A foul hooked or snagged fish is defined as any fish hooked or caught in any area behind the gill covers.

#### **1-4. MANNER OF TAKING FISH**

The only legal equipment for taking fish is defined in this section.

##### **1-4-1. Hook and Line Equipment**

1. Hook and line equipment is permissible in all public waters open to fishing. Legal hook and line equipment for each licensed

angler shall consist of not more than two poles, each equipped with one line to which is attached not more than two hooks or lures. Snagging of any fish is prohibited at all times except as provided in Section 1-4-5. The use of any spring, lever, chemically, electrically or mechanically actuated fish hook, or gaff hook is prohibited at all times. The use of any mechanical device to automatically retrieve the fish shall be illegal except by permission of the director.

2. Any fishing line which is unattended or not checked for a period exceeding one hour shall be deemed to be a set line and is illegal.

**1-4-2. Exceptions to two poles are as follows:**

1. One pole (line) per angler:
  - While fishing from the piers and wingwalls of the Garrison Dam Tailrace.
  - While fishing from shore from the "Closed to Fishing Area" downstream of the Drayton Dam to the boat ramp.
  - While engaged in paddlefish snagging as defined in Sections 1-4-5.
2. Four poles (lines) per angler maximum shall be legal while fishing through the ice.
3. Tip-ups are permissible for winter fishing and are considered one pole.

**1-4-3. Bow, Spear and Underwater Spear fishing**

1. Game fish, as specified by this proclamation, may not be taken with archery equipment or spears.
2. The following fish may not be taken with underwater spear fishing gear:
  - Largemouth Bass
  - Smallmouth Bass
  - Muskellunge (Pure and Hybrid)
  - Paddlefish
  - Pallid Sturgeon
  - Shovelnose Sturgeon
3. Legal archery equipment for licensed anglers is any bow, to which an arrow is attached by a line and equipped with a harpoon-style point or with a point equipped with wire barbs. Crossbows are prohibited at all times.
4. Rubberband powered, or pneumatic powered spear guns, are the only legal equipment for underwater spear fishing. All rubberband or pneumatic powered spear guns shall have the spear attached to the gun by a lanyard with a maximum length of twenty feet. Underwater spear fishing is prohibited within 150 feet of any designated swimming or water ski area, boat dock or spillway or individuals engaged in fishing. The International Diver's Flag shall be displayed on the water on a float or buoy during any

underwater spear fishing. It is recommended that divers stay within 100 feet of their dive flag. It is unlawful to display the Diver's Flag when diving or spear fishing is not in progress. Operators of boats shall exercise caution when such flags are displayed. Persons who underwater spearfish between sunset and sunrise shall display a lighted International Diver's flag. Persons who underwater spearfish between sunset and sunrise must carry a hand-held light which is visible for a distance of 150 feet and must be displayed when the diver is at the surface. Only those individuals certified for SCUBA may underwater spear fish.

5. All public waters open to fishing shall be open to bow and spear fishing with the following exceptions:

1. That portion of the Missouri River from the Garrison Dam downstream to the southern boundary of the Corps of Engineers Downstream Recreation Area.

2. The Upper Souris National Wildlife Refuge (Lake Darling).

6. Only the following areas shall be open to underwater spear fishing:

1. The Missouri River, except that portion of the Missouri River from the Garrison Dam downstream to the southern boundary of the Corps of Engineers Downstream Recreation Area;
2. Lake Oahe, Lake Sakakawea and the open fishing areas of Lake Audubon;
3. Devils Lake;
4. Spiritwood Lake

**1-4-4. Dark House Spear Fishing**

1. Dark house spear fishing shall be legal for all residents of North Dakota holding a valid fishing license and those residents under the age of 16. Non-residents may dark house spearfish in North Dakota if the non-resident's state provides the same privilege for residents of North Dakota.
2. All individuals who participate in dark house spear fishing shall register with the North Dakota Game and Fish Department prior to participating. Registration can occur via the North Dakota Game and Fish home page ([gf.nd.gov](http://gf.nd.gov)) or by calling any North Dakota Game and Fish office.
3. The only legal species for dark house spear fishing are northern pike and non-game species as described in 1-1.
4. A spear shall be counted as a pole (line) while dark house spear fishing.
5. Pneumatic or rubber band powered spear guns shall not be legal while dark house spear fishing.

6. There is no limit on the size of the ice hole while actively engaged in dark house spear fishing on the lakes specified in 1-4-4(9). Hook and line fishing shall be legal only in holes no larger than twelve inches in diameter.
7. When a dark house is moved or a hole larger than 12 inches in diameter is left in the ice, the hole shall be adequately marked with a natural object visible from a minimum of 150 feet.
8. Artificial decoys are allowed. Only legal live baitfish as defined in 1-4-7, except smelt and white sucker, may be used as live decoys.
9. Dark house spear fishing is allowed only in the following areas:

Beaver Lake (Logan Co.)	Lake Laretta (Nelson Co.)
Buffalo Lake (Sargent Co.)	Mallard Marsh (Stutsman Co.)
Buffalo Lodge Lake (McHenry Co.)	Morrison Lake (Ramsey Co.)
Carpenter Lake (Rolette Co.)	Powers Lake (Burke Co.)
Cavanaugh Lake (Ramsey Co.)	Rice Lake (Emmons Co.)
Coal Mine Lake (Sheridan Co.)	Round Lake (Kidder Co.)
Coldwater lake (McIntosh Co.)	School Section (Rolette Co.)
Cottonwood Lake (Williams Co.)	Sibley Lake (Griggs Co.)
Devils Lake (Ramsey/Benson Co.)	Silver Lake (Benson Co.)
Diamond Lake (LaMoure Co.)	South Eckelson (Barnes Co.)
Dry/Goose Lake (McIntosh Co.)	Spiritwood Lake (Stutsman Co.)
Etta/Alkaline Complex (Kidder Co.)	Stanley Reservoir (Mountrail Co.)
Flood Lake (LaMoure Co.)	Stump Lake (Nelson Co.)
Grass Lake (Richland Co.)	Sunday Lake (Stutsman Co.)
Horsehead Lake (Kidder Co.)	Sweetwater Lake (Ramsey Co.)
Lake Irvine (Ramsey Co.)	Tioga Reservoir (Williams Co.)
Island Lake (Rolette Co.)	West Napoleon Complex (Logan Co.)
Juanita Lake (Foster Co.)	

Lake Oahe (South Dakota border to MacLean Bottoms boat ramp and all tributaries upstream to the first vehicular crossing).)

Lake Sakakawea (Garrison Dam to Highway 85 bridge at Williston and all tributaries upstream to the first vehicular crossing).

#### **1-4-5. Snagging**

1. Paddlefish snagging shall be legal in that area of the Missouri River lying west of the U.S. Highway 85 bridge to the Montana border and that portion of the Yellowstone River in North Dakota, excluding that portion of the Missouri River from the pipeline crossing (River Mile 1577) downstream to the upper end of the Lewis & Clark WMA (River Mile 1565). Paddlefish snagging shall be legal only from 8:00 am to 10:00 pm (CT) during each day of the paddlefish snagging season. All paddlefish snaggers must obtain and have in their possession a paddlefish tag in addition to other licenses and certificates that are required. A maximum of one tag per angler will be issued per season and this tag is not transferable to another person. Any paddlefish tag that is locked shut prior to attachment, altered, or modified shall be voided and will not be replaced. Each paddlefish must be tagged immediately when creel and must be tagged with one's own tag (except as noted in 1-4-5(2)). In case of early season closure (see 1-2-2(8)),

there will be no refunds for unused tags. Each paddlefish angler must cast for and hook his or her own fish. The use of more than one snag hook per line is illegal. Snagging from a boat shall be illegal. The use or possession of any gaff hook for a distance of one half of a mile in either direction of the Highway 200 Bridge on the Yellowstone River shall be illegal.

2. The release of any paddlefish after snagging is prohibited except for each Monday and Tuesday during the month of May, which shall be 'snag and release' only, during which no harvest will be allowed. On Monday and Tuesday, the snagger must possess a current and unused paddlefish tag. All snagged fish must be released immediately during these days. It shall be illegal to use or possess a gaff hook in any of the paddlefish snagging areas during the snag and release days. It shall be illegal for a person to use fish snagging equipment in the paddlefishing area at any time if that person has no tag in his or her possession.
3. If a fish is cut up, the tag must accompany the dressed fish either by attachment to the bag containing the dressed fish or within the bag. The snagger must keep that portion of the back and dorsal fin (back fin) necessary to maintain the tag sealed to the fish. The sale, barter, trade or purchase of paddlefish eggs shall be legal for only one qualified and properly permitted paddlefish caviar operation, and any party with whom it contracts. The permit will be issued annually to a non-profit, bonded entity that has met all requirements to ensure a legal operation.

#### **1-4-6. Netting and Trapping**

1. Nets and traps shall be illegal for taking game fish except as specified by this proclamation.
2. It shall be legal for a fishing license holder to take smelt or legal baitfish using one dip net not exceeding 24 inches in diameter or 36 inches in depth, or one minnow trap which shall not exceed 12 inches in diameter and 30 inches in length with a throat or mouth opening not to exceed 1 1/4 inches. Only licensed bait vendors as described in the Commercial Fishing section (Section 2) of this proclamation may possess more than 12 dozen live baitfish at any one time.

#### **1-4-7. Bait Regulations**

##### **1. Definitions**

A. Live Baitfish. **Legal live baitfish** include fathead minnows, white sucker, creek chubs, spottail shiner, rainbow smelt (see 1-4-7(2)) and sticklebacks.

B. Baitfish. Fish that are used for bait which have been preserved by freezing, salting or otherwise treated to inactivate sexual products. Game fish or parts thereof shall be illegal except for perch eyes, and trout and salmon eggs, which are legal bait.



C. Other Live Bait. Other live bait include all amphibians, insects, or other invertebrates or parts thereof.

D. Cut or Prepared Bait. Cut bait using non-game fish shall be legal. Cut bait is defined as fish having the head removed and being eviscerated. Heads and entrails of non-game fish are considered cut or prepared bait.

E. Artificial Lure. An artificial lure is defined as man-made and comprised of metal, plastic, wood and other non-edible materials or plastic products made to resemble worms, eggs, fish or other aquatic organisms. Cheeseballs, corn, or marshmallows are not considered as an artificial lure. Trailer hooks on lures and bait harnesses for frogs, minnows, salamanders, worms and nightcrawlers are permissible. Hookless dodgers or attractors used ahead of a lure or bait are legal.

2. It is be illegal to use live smelt for bait at any time; except live rainbow smelt captured with a dip net or by hand in the Garrison Dam Tailrace can be used in the tailrace only. The tailrace area is defined as that portion of the Missouri River from the Garrison Dam downstream to the southern boundary of the Corps of Engineers Downstream Recreational Area.
3. It is unlawful to possess, or to use, any live fish species other than fathead minnows, creek chubs, spottail shiner, or sticklebacks in any state waters except in those areas specified in Section 1-4-7(5). Other live bait as defined in 1-4-7(1B,1C) are legal bait.
4. Live baitfish are not allowed in the following areas:
  - a. Belfield Dam (Stark County)
  - b. Blumhardt Dam (McIntosh County)
  - c. Bylin Dam/Dougherty Dam (Walsh County)
  - d. Camels Hump Dam (Golden Valley County)
  - e. Custer Mine Pond (McLean County)
  - f. Davis Dam (Slope County)
  - g. Dickinson Dike (Stark County)
  - h. Fish Creek (Morton County)
  - i. Indian Creek (Hettinger County)
  - j. Kettle Lake (Williams County)
  - k. Leland Dam (McKenzie County)
  - l. Lightning Lake (McLean County)
  - m. McDowell Dam (Burleigh County)
  - n. North Lemmon Dam (Adams County)
  - o. Nygren Dam (Morton County)
  - p. Raleigh Reservoir (Grant County)
  - q. Sather Dam (McKenzie County)
  - r. Sheep Creek Dam (Grant County)
  - s. Velva Sportsmens Pond (Ward County)

At all times, all public lakes in which game fish have been stocked by state or federal agencies shall be closed to the taking of any live baitfish for commercial resale.

5. It shall be legal to use all live baitfish as defined in 1-4-7(1A) in the Red River up to the first vehicular crossing on any of its tributaries.

#### **1-5. SIZE LIMITS**

1. It shall be illegal to take or possess walleye, less than 14 inches in total length from the following waters:
  - **Jamestown Reservoir, Spiritwood Lake, and Pipestem Reservoir** In Stutsman County;
  - **Lake Ashtabula** in Barnes County, Griggs County;
  - **Lake Elsie** in Richland County;
  - **Brewer Lake** in Cass County;
  - **Dead Colt Creek Dam** in Ransom County;
  - **Lake Tewaukon** in Sargent County;
  - **South Golden Lake** in Steele County;
  - **North Golden Lake** in Steele County;
  - **Sprague Lake** in Sargent County
2. It shall be illegal to take or possess muskellunge (pure and hybrid) less than 40 inches in total length from any waters in North Dakota.
3. It shall be illegal to take or possess northern pike less than 24 inches in total length from the following waters:
  - **Lake Tewaukon** (Sargent County);
  - **Sprague Lake** (Sargent County);
  - **Red Willow Lake** (Griggs County);
  - **South Golden Lake** (Steele County);
  - **North Golden Lake** (Steele County)
4. It shall be illegal to take or possess largemouth bass less than 14 inches in total length from Red Willow Lake (Griggs County), South Golden Lake (Steele County) and North Golden Lake (Steele County).
5. The daily and possession limit of catfish exceeding 24 inches from the Bois de Sioux and Red Rivers and all of their tributary streams east of ND Highway 1 is one.
6. It shall be illegal to remove more than gills, entrails, and scales from fish in waters that are subject to a size limit while on the water or actively engaged in fishing.
7. It shall be illegal to remove more than the gills and entrails from channel catfish east of ND Highway 1 while on the water, actively engaged in fishing, or until the fish are at the license holder's personal, permanent residence.

#### **1-6. OTHER RULES AND REGULATIONS**

1. It shall be legal to take smelt by hook and line at all times.

2. Any fish retained and given to another person shall be counted in the creel limit or possession limit of the person catching same.
3. Any dressed fish transported, if frozen, must be packaged individually. Two fillets will be counted as one fish. Commercial processors, common carriers, and commercial storage facilities may possess any persons legally taken possession limit of fish. Each package must be labeled with the owner's name and address. Any channel catfish caught east of ND Highway 1 must have head, fillets and tail attached while transporting.
4. It shall be legal to return fish to the water if done immediately after being caught on hook and line with the exception of paddlefish as provided in Section 1-4-5(2). Paddlefish caught other than as provided in that section shall be returned to the water regardless of condition. It shall be illegal to tag or mark any fish prior to release without written permission from the game and fish director. No fish may be returned to the water after being placed on a stringer or confined by or in any type of container, live box, structure, or device except by written permission from the game and fish director. Fish on which there is a size limit, if undersized or oversized, must be returned to the water regardless of condition.
5. It shall be illegal to gaff any sturgeon.
6. Anglers shall, at all times, be within 150 feet of their fishing equipment while actively engaged in fishing.
7. It shall be illegal to deposit or cause to be deposited any fish or parts thereof, taken by angling, spearing or bow fishing, upon the ice or in, or upon the shore of any lake, reservoir, marsh, or stream in North Dakota.
8. Possession or transportation of any live fish, live fish eggs, live amphibians, or other live aquatic organisms, shall be illegal except for 1) licensed anglers transporting legal bait and/or legally caught game fish; 2) dealers of tropical fish species for the pet trade sold by a commercial outlet; or 3) individuals in possession of the appropriate license or permit from the game and fish director.
9. It shall be illegal to import any live bait or baitfish without a legal, valid bait vendor's license from North Dakota.
10. Stocking of any live fish, live fish eggs, live amphibians or other live aquatic organisms into any waters of the state shall be illegal except with the appropriate license or permit issued by the game and fish director.
11. Winter fish houses shall be removed from all waters by midnight March 15 of each fishing year. Fish houses or portable shelters that are actively being occupied may be used after March 15 of each fishing year if they are removed after each use. It shall be illegal to leave winter fish houses on state-owned or managed land after April 1 of each fishing year.
12. Fishing holes outside of a fish house may be placed no closer than ten (10) feet from the house except by permission of the occupant or

owner. No hole of more than 12 inches in diameter at the surface shall be used for fishing in the ice except as stated in 1-4-4(6).

13. No person or entity may conduct a fishing contest on public waters without first receiving a permit issued by the director.

14. The season limit for snapping turtles taken by hook and line shall be two.

1-7. **LICENSES OR SPECIAL PERMITS** shall be issued for each season, in a manner and form prescribed by the Game and Fish Director and in accordance with the law. Each fishing license shall be in the form of a stamp which must be endorsed in ink with the licensee's signature and affixed to the back of the licensee's fishing, hunting, and furbearer certificate. These licenses can also consist of a computer generated certificate, required information, and a listing of the licenses that have been purchased. For these licenses to be valid, the license holder must sign the computer generated certificate. The certificate must be obtained prior to purchase of the stamp. The licensee shall carry the fishing license on person at all times while fishing.

1-8. **THE FOLLOWING VIOLATIONS ARE NON-CRIMINAL** violations and have the listed penalties:

1. Failure to affix and sign stamps to the licensee's fishing, hunting and furbearer certificate - penalty - \$10.00.
2. Fishing with or possession of an illegal live baitfish - penalty - \$250.00.
3. Fishing with an illegal bait (other than live baitfish - penalty - \$25.00.
4. Fishing with an excessive number of lines up to and including four lines in excess of the legal number of lines - penalty - \$50.00 per line.
5. Failure to attend fishing equipment - penalty - \$25.00.
6. Fishing in a closed area - penalty - \$100.00.
7. Possession of undersized fish - penalty - \$25.00 per fish.
8. Exceeding the daily creel limit of fish, one (1) fish in excess of the daily limit - penalty - \$100.00. More than one fish in excess of the daily limit or second violation within one year shall be a Class B misdemeanor. The aforementioned non-criminal penalty does not apply to over limit of paddlefish or muskellunge.
9. Removing more than gills, entrails, and scales from fish that are subject to a size limit while on the water or actively engaged in fishing on waters having a size restriction, or removing more than gills and entrails from channel catfish east of North Dakota Highway 1 while on the water, actively engaged in fishing, or until

the fish are at the license holder's personal, permanent residence  
- penalty - \$100.00.

10. Snagging for paddlefish before or after legal hours - penalty - \$100.00.
11. Transfer of a paddlefish tag to another - penalty - \$100.00.
12. Failure to immediately tag a paddlefish with ones own tag - penalty - \$100.00.
13. Cast for or attempt to hook a paddlefish for another - penalty - \$100.00.
14. Use more than one hook per line for paddlefish - penalty - \$100.00.
15. Use or posses a gaff in restricted areas or on catch and release days while paddlefish snagging - penalty - \$100.00.
16. Snag for paddlefish from a boat - penalty - \$100.00.
17. Release a paddlefish on harvest days or fail to release a paddlefish on release days - penalty - \$200.00.
18. Fail to have tag accompany processed paddlefish - penalty - \$100.00.
19. Conduct a Fishing Contest without a permit - penalty - \$250.

## **SECTION 2. COMMERCIAL FISHING**

Commercial fishing consists of those activities where a special permit or license is required other than a regular fishing license. These activities include non-contract commercial fishing, contract commercial fishing and commercial bait vendors. No person shall take for the purpose of sale any fish or aquatic species except as provided in this section.

### **2-1. NON CONTRACT COMMERCIAL FISHING**

Non contract commercial fishing is allowed only through application to the game and fish director.

1. Species of fish eligible for non-contract fishing are:
  1. Those species of fish not designated as game fish; or
  2. Channel catfish in the Missouri River, Lake Sakakawea, Lake Oahe and its tributaries.
2. Seines, hoop nets and set lines shall be the only legal equipment used in non-contract commercial fishing.
3. The following areas only are open to non-contract commercial fishing:
  1. That portion of the Oahe Reservoir and Missouri River lying north from where the electric transmission line crosses the Missouri River north of Beaver Bay to the Leland Olds Power Station/UPA boat ramp (with seines and hoop nets only);
  2. That portion of Lake Sakakawea and the Missouri River north and west of the Four Bears Bridge to the Montana border (with seines and hoop nets only);
  3. The entire Yellowstone River (with seines, hoop nets and set lines) and;
  4. That portion of the Little Missouri River lying west of the N.D. Highway 22 bridge (Lost Bridge) (with set lines only).
4. The mesh size of licensed seines for non-contract commercial fishing shall not be less than 1 « inches square nor more than 3 inches square. Tags furnished with the license must be attached to the equipment at all times.

### **2-2. CONTRACT COMMERCIAL FISHING**

Contract fishing shall be for non-game fish species and will be performed under individual contract with the game and fish department. Contract fishing requires a bond from a recognized bonding company or a line of credit from a recognized financial institution.

2-3. COMMERCIAL BAIT VENDORS

1. Species of live fish eligible for sale at commercial retail and wholesale are:
  1. fathead minnows
  2. stickleback
  3. white sucker
  4. creek chubs
  5. spottail shiner
2. Trapping of live baitfish shall not be allowed in any water of the state managed as a recreational fishery, except with written permission from the game and fish director.
3. The daily and possession limit for the following baitfish species shall be:

	Daily	Possession
Legal baitfish	No Limit	No Limit
Smelt	30 gallons	30 gallons

2-4. SEASON FOR COMMERCIALLY HARVESTING AQUATIC SPECIES

1. The open season for non-contract commercial fishing shall be from May 15 through November 30 of each fishing year. The season shall then be closed from December 1 through May 14 of the following fishing year.
2. The open season for harvest of legal live baitfish by bait dealers shall be from April 1 through March 31 of each fishing year.
3. The season for harvest of clams or mussels shall be closed.
4. The season for commercial harvest of leeches shall be closed to non-residents. The season for harvest of leeches by licensed resident bait dealers shall be from April 1 through November 30 of each fishing year except on Wildlife Management Areas where the season shall only be open from July 11 through November 30 of each fishing year. A permit is required from the game and fish director or his appointed representative in order to harvest leeches on a Wildlife Management Area.

GIVEN UNDER BY HAND and the Great Seal of the State of North Dakota  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
John Hoeven  
Governor

ATTEST

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Secretary of State

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Deputy